

BURR
&
BROWN

101 South Salina Street
Seventh Floor
Syracuse, NY 13202

LB
Before Final - Official

FAX Transmission Sheet

August 22, 2002

To: Examiner David L. Hogans Fax No. (703) 872-9318
From: Stephen P. Burr Fax No. (315) 233-8320
Re: In re the Application of: Tomohiko SHIBATA, Yukinori NAKAMURA, Mitsuhiro TANAKA and Keiichiro ASAII
Serial No.: 10/004,345 Art Unit: 2813
Date Filed: November 2, 2001 Conf. No. 3689
Title: A METHOD FOR FABRICATING A III-V NITRIDE FILM AND AN APPARATUS FOR FABRICATING THE SAME
Our Docket No.: 782_193

You should receive 3 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

COMMENTS:

I hereby certify that the following paper(s) is/are being facsimile transmitted to Examiner David Hogans at (703) 872-9318 at the Patent and Trademark Office on August 22, 2002:

<u>Paper</u>	<u># of Pages</u>
1. Response to Restriction Requirement	2
Total Pages (including cover page)	3

Elizabeth A. VanAntwerp
Elizabeth A. VanAntwerp

FAX COPY RECEIVED

AUG 22 2002

TECHNOLOGY CENTER 2800

IMPORTANT - THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND DESTROY THE COMMUNICATION. THANK YOU.

#6/Electr

8/23/02
JL*Before Final - Official***PATENT**

Practitioner's Docket No.: 782_193

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of: Tomohiko SHIBATA, Yukinori NAKAMURA, Mitsuhiro TANAKA
and Keiichiro ASAII

Ser. No.: 10/004,345

Art Unit: 2813

Filed: November 2, 2001

Examiner: David L. Hogans

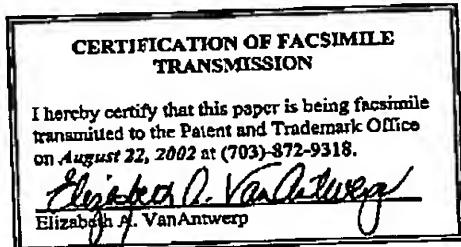
FAX COPY RECEIVED

Confirmation No.: 3689

AUG 22 2002

For: A METHOD FOR FABRICATING A III-V NITRIDE FILM AND AN
APPARATUS FOR FABRICATING THE SAME

TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents
Washington, D.C. 20231**RESPONSE TO RESTRICTION REQUIREMENT**

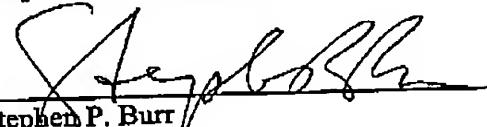
Sir:

In response to the Office Action mailed August 9, 2002, applicants hereby provisionally elect, with traverse, to prosecute the claims of Group II (claims 7-9) in this application.

However, applicants respectfully traverse the restriction requirement since the subject matter of claims 1 - 9 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the

merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

Respectfully submitted,


Stephen P. Burr
Reg. No. 32,970

August 22, 2002

Date

SPB/eav

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 25191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320

FAX COPY RECEIVED

AUG 22 2002

TECHNOLOGY CENTER 2800